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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,084	08/16/2005	Nicolas Drabczuk	09669/043001	4431

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HOUSTON, TX 77010

EXAMINER

SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/521,084

Applicant(s)

DRABCZUK, NICOLAS

Examiner

Eron J. Sorrell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 is directed toward an apparatus, however there is no limitation in the claim that is necessarily hardware. All of the limitation can be reasonably interpreted as comprising only software and thus the entire apparatus can be reasonably construed as only software. Software, per se, is non-statutory, unless it is stored on a computer readable medium (See MPEP 2106).

Claim 10 is directed toward "a computer program product." A computer program product can reasonably be construed as software, per se, and is thus non-statutory. See discussion above. The examiner recommends amending the claim to recite a "computer readable storage medium, comprising instructions, that when executed cause..."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (U.S. Patent No. 6,754,725 hereinafter "Write") in view of Schmisser et al. (U.S. Pub. No. 2002/0178316 hereinafter "Schmisser").

4. Referring to method claim 1, system claim 8, apparatus claim 9, and computer program product claim 10, Wright teaches a system and method of configuring a system comprising a main device (item 102 in figure 1) and an auxiliary device (item 100 in figure 1) arranged to co-operate with each other, the main device being arranged to handle one or more functionalities, the auxiliary device being arranged to effect one or more functionalities (see lines 24-40 of column 3);

wherein the method comprises an adaptation step, in which the auxiliary device performs a first enumeration of its

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functionalities to the main device (see items 204 and 206 in figure 4);

Wright fails to teach the method further comprises an enumeration step in which the auxiliary device performs a second enumeration of its functionalities to the main device, wherein the second enumeration hides from the main device at least those of its functionalities for which the main device is not arranged to handle.

Schmisseur teaches, in an analogous system and method wherein functionalities of an auxiliary device are enumerated to a main device, an enumeration step in which the auxiliary device performs a second enumeration of its functionalities to the main device, wherein the second enumeration hides from the main device at least those of its functionalities for which the main device is not arranged to handle (see paragraph 25, note the host receives the second enumeration information from the peripheral device and some of the functionalities are concealed).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Wright with the above teachings of Schmisseur. One of ordinary skill in the art would have been motivated to make such modification in order to conceal device functions not

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supported by the host as suggested by Schmisser (see paragraph 28).

5. Referring to claim 2, Wright a notification step, in which the auxiliary device notifies the main device of a set of data corresponding to the first enumeration of the functionalities that the auxiliary device can effect (see item 206 and 210 in figure 4). Wright fails to teach an identification step, in which the set of data is used to identify the functionalities that the auxiliary device can effect but that the main device cannot handle and a configuration step, in which the auxiliary device is configured to hide for the second enumeration from the main device at least those of its functionalities that the main device cannot handle.

Schmisser teaches the above limitations (see paragraph 25, note the I/O processor indicates the functions to conceal from the host, so when the second enumeration of the peripheral device occurs the concealed functions are not detected by the host).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Wright with the above teachings of Schmisser for the same reasons as mentioned above.

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6. Referring to claim 3, the combination of Wright and Schmisser the adaptation step is followed by the enumeration step, in which the auxiliary device presents itself to the main device without the functionalities identified in the identification step (see Schmisser paragraph 23, the peripheral device being presented without the concealed functions is the final step).

7. Referring to claim 4, Wright teaches the adaptation step is carried out automatically when connecting the auxiliary device to the main device (see paragraph bridging columns 4 and 5, note there is no user intervention after the device is connected to the host).

8. Referring to claim 6, Wright teaches the main device is a USB host and the auxiliary device is a USB device (see lines 6-23 of column 3).

9. Referring to claim 7, Wright teaches that the auxiliary device may be a smartcard (see lines 33-52 of column 4, note one of the interfaces is a smart card interface).

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10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Schmisser as applied to claims 1-3,8,9, and 10 above, and further in view of Williams et al. (U.S. Patent No. 6,738,834 hereinafter "Williams").

11. Referring to claim 5, the combination of Wright and Schmisser teaches the method of claim 3 as shown above, however the combination fails to teach a simulation step is carried out between the adaptation step and the enumeration step, in which the disconnecting and the reconnecting of the auxiliary device is simulated.

Williams teaches, in a system wherein a device performs a first and second enumeration step, simulating a disconnect and reconnect of the auxiliary device (see items 420 and 440 in figure 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Wright and Schmisser with the above teachings of Williams so the user does not have to physically disconnect and reconnect the device to get it to enumerate itself again.

Response to Arguments

12. Applicant's arguments with respect to claims 1 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EJS

March 13, 2007

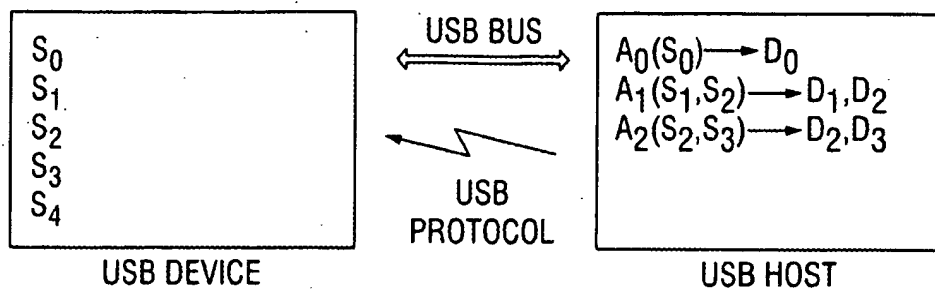


FIG. 1

*Drawings
of
38
3/14/67*

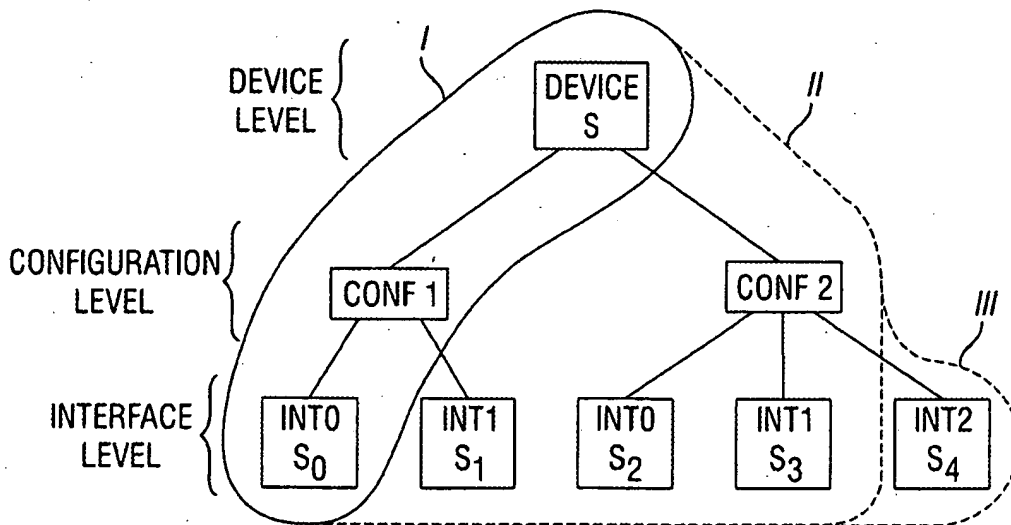


FIG. 2